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Roanoke County Administration Center  
5204 Bernard Drive  
Roanoke, Virginia 24018

The Board of Supervisors of Roanoke County, Virginia met this day at the Roanoke County Administration Center, this being the second Tuesday and the first regularly scheduled meeting of the month of February 2010. Audio and video recordings of this meeting will be held on file for a minimum of five (5) years in the office of the Clerk to the Board of Supervisors.

**IN RE: CALL TO ORDER**

Chairman Church called the meeting to order at 3:00 p.m. The roll call was taken.

**MEMBERS PRESENT:** Chairman Joseph B. "Butch" Church; Vice-Chairman Charlotte A. Moore, Supervisors Michael W. Altizer, Eddie "Ed" Elswick, Richard C. Flora

**MEMBERS ABSENT:** None

**STAFF PRESENT:** B. Clayton Goodman III, County Administrator; Diane D. Hyatt, Assistant County Administrator; Daniel R. O'Donnell, Assistant County Administrator; Paul M. Mahoney, County Attorney; Deborah C. Jacks, Clerk to the Board

**IN RE: OPENING CEREMONIES**

The invocation was given by Associate Pastor Veronica Venable of Harvest Ministries. The Pledge of Allegiance was recited by all present.

**IN RE: REQUESTS TO POSTPONE, ADD TO, OR CHANGE THE ORDER OF AGENDA ITEMS**

Mr. Mahoney asked that New Business Item E-1, a request from the Bonding Committee to call and revoke the letters of credit on Old Mill Plantation Subdivision, Sections 1 and 2 be deleted as an executed assignment agreement had been completed. Mr. Mahoney advised the Board since this item was first brought before the Board at a public hearing on January 25, 2011; his staff has negotiated and completed an assignment agreement that would address the construction issues and the public improvement issues in these two sections of Old Mill Plantation. Additionally, Mr. Mahoney advised Valley Bank will stand behind the existing letters of credit and has

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been assured these public infrastructure improvements will be installed. There were no objections.

**IN RE: PROCLAMATIONS, RESOLUTIONS, RECOGNITIONS AND AWARDS**

**1. Resolution of congratulations to the Hidden Valley High School girls cross country team for winning the Virginia High School League (VHSL) Group AA State Competition**

Principal Rhonda Stegall, Coach Dan King, Assistant Coach Steve Casper, all members of the team and several family members were present. Coach King advised the team was ranked 32<sup>nd</sup> in the nation. All Supervisors offered their congratulations.

**RESOLUTION 020811-1 OF CONGRATULATIONS TO THE  
HIDDEN VALLEY HIGH SCHOOL GIRLS CROSS COUNTRY  
TEAM FOR WINNING THE VIRGINIA HIGH SCHOOL LEAGUE  
(VHSL) GROUP AA STATE CHAMPIONSHIP**

WHEREAS, team sports are an important part of the curriculum at schools in Roanoke County, teaching cooperation, sportsmanship and athletic skill; and

WHEREAS, the Hidden Valley High School girls cross country team won their second consecutive Virginia High School League (VHSL) Group AA State Championship on November 13, 2010, at the Great Meadows State Course in The Plains, Virginia defeating Blacksburg by 28 points; and

WHEREAS, the Hidden Valley High School girls cross country team earned their trip to the State championship by winning the Region IV Championship for the fourth straight time; and

WHEREAS, Annie LeHardy won the individual title in a course record tying time of 17:34 and was named Girls Runner of the year; Carolyn Bethel was selected First Team All State and Timesland; Haley Cutright was selected First Team All State and Timesland and Ashleigh Torres was selected Second Team All Timesland; and

WHEREAS, the Titans finished third in Nike Cross Southeast Region Championships at WakeMed Park in Cary, North Carolina; and

WHEREAS, the Hidden Valley Titans girls cross country team is under the dedicated leadership of Coach Dan King, who was named Girls Cross Country Coach of the Year.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Roanoke County, Virginia does hereby extend its sincere congratulations to the members of the HIDDEN VALLEY HIGH SCHOOL GIRLS CROSS COUNTRY TEAM: Carolyn Bethel, Elizabeth Camilletti, Haley Cutright, Annie LeHardy, Anna Shvygin,

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Ashleigh Torres, Greta Weidner, for an outstanding performance, their athletic ability, their team spirit and their commitment to each other; and

BE IT FURTHER RESOLVED, that the Board of Supervisors extends its best wishes to the members of the team, the coaches, and the school in their future endeavors.

On motion of Supervisor Elswick to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**IN RE: BRIEFINGS**

**1. Annual report from the Roanoke Regional Partnership (Beth Doughty, Executive Director)**

Beth Doughty briefed the Board on the Roanoke Regional Partnerships' projects in 2010. A copy of the PowerPoint presentation is on file in the office of the Clerk to the Board of Supervisors

Supervisor Flora inquired of the twenty-four (24) projects for the area, how many of them actually located to the area and how many jobs did they bring with them. Ms. Doughty responded that she would have to go back and count by hand because the data was not collected in that format. Supervisor Flora indicated that he felt the information would be beneficial and not necessary to only include Roanoke County but the entire Roanoke Valley. He then stated that it appears that a great deal of effort is extended towards tourists and accordingly what sort of collaborative effort is done with the Convention and Visitors Bureau to make sure there is no duplication of effort between the Partnership and the Bureau. Ms. Doughty responded that none of the partnerships activity was directed towards tourism, tourism is another piece that fits into the building of an outdoor economy. She further stated the Partnership's goal is to continue to create investments in jobs; however, the Partnership does collaborate with the Convention and Visitors Bureau as a resource.

Supervisor Elswick remarked when the company that he had previously worked for started a new plant in a number of different areas, their primary concern was the ability to keep the business ongoing, and there were numerous problems in almost every case. He explained the number one concern would be the ability to manufacture the product and ship it wherever it needed to go at a reasonable cost and the locality would be able to support these needs, i.e. water, electricity, natural gas, and in certain cases technology and whether there were machine shops, etc. that could be utilized. Additionally, he explained the school systems were important for potential employees as well as the availability of universities. Supervisor Elswick remarked everyone loved the mountains in this area, however, businesses are looking at making a profit; all of these aspects would need to be considered. Supervisor Elswick inquired if feedback was

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obtained from the people who choose not to locate in the Roanoke Valley as to why they did not locate here and does the Partnership provide potential with a listing of all the available businesses in the area that can be utilized. Ms. Doughty responded affirmatively and noted the Partnership is a data resource and explained there were two websites associated with the Partnership, RoanokeOutside.com which focuses on the outdoors and Roanoke.org which is the general purpose economic development site.

Supervisor Moore thanked Ms. Doughty for doing such a great job and commended her on the websites.

Supervisor Altizer asked that the Partnership follow-up throughout the year with the information Supervisor Elswick had inquired about. He stated that information provided to the local governments as to why businesses are not choosing the Roanoke Valley would be helpful. He further commented that he understood that there are certain things, i.e. a flat graded plot of land that was required or lack of water and sewer that there is no control over, however, he stated he feels it is important to receive this feedback either through Doug Chittum in Economic Development or through the County Administrator. Ms. Doughty responded that almost every company has different reasons for why the Roanoke Valley did not work for them. She advised this information was funneled back through Economic Development from time to time in addition to case studies being done to show what worked and what did not.

Chairman Church asked Ms. Doughty to comment on the aspect of our quality of life, our school system, our low crime statistics, the environment and the simple comfort of living here as to whether those aspects played as big a factor as it would appear. Mr. Doughty responded these items were important, however, there are other gateway factors, i.e. property, schools, labor force that play an equally important factor. She also noted there is a great deal of competition.

**2. Briefing on Status of Glenvar Library Project (Daniel R. O'Donnell, Assistant County Administrator; Diana L. Rosapepe, Director of Library Services)**

Mr. O'Donnell advised the firm of Holzeimer, Bolek and Meehan has been selected to design the new Glenvar library after a lengthy selection process. He stated the first community meeting for public input will be held February 16, 2011, at the Glenvar middle school, the second community meeting will be held on March 16, 2011, at the Glenvar library and the architects are scheduled to return on April 20, 2011, with design concepts. Construction is slated to begin in the fall with an anticipated opening in late 2012 or early 2013.

Supervisor Elswick inquired if there would be enough room for the second and third meetings to be held at the current library with Ms. Rosapepe responding it will definitely demonstrate the need for a new library and if necessary the meetings can be moved to the Glenvar middle school.

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Mr. O'Donnell remarked this building would be LEED certified and this designer is nationally known for this type of design work. He further added the designer was currently working on the South County library and hopefully the County would realize some economies.

Supervisor Elswick asked if local contractors will have an opportunity to bid on the work with Mr. O'Donnell responding affirmatively.

Chairman Church thanked the committee on the work done so far and commented the community is very anxious about this project and consider it a community project. He noted staff has combined timings for visits to help reduce costs. Chairman Church suggested that some planning be done with regard to moving the meetings where there was more space, i.e. Glenvar middle school and reiterated February 16, 2011 at 7:00 p.m. at the Glenvar middle school would be the first community meeting.

**IN RE: NEW BUSINESS**

- ~~1. Resolutions approving and adopting the recommendation of the Roanoke County Bonding Committee to proceed to call the letters of credits and declaring the developer of Old Mill Plantation Subdivision, "Section I" and "Section II" is in default and to authorize officials of Roanoke County to exercise its rights under the developer's Land Subdivider; and Erosion and Sediment Control Agreements and the accompanying Bonds, Winsor Hill Magisterial District (Tarek Moneir, Deputy Director of Development Services)~~

This New Business item was deleted under Requests to Postpone, Add To or Change the Order of Agenda Items.

**IN RE: FIRST READING OF ORDINANCES**

- 1. Ordinance to amend the Roanoke County Zoning Ordinance providing for Small Wind Energy Systems (Philip Thompson, Deputy Director of Planning)**

Mr. Thompson reviewed the background of this amendment of the zoning ordinance and advised the Planning Commission held a public hearing on January 4, 2011, with eight citizens in attendance. The Planning Commission voted to proceed with certain corrections as noted in the draft zoning ordinance.

Supervisor Elswick stated he had several questions. The first question was concerning the need for a 60 decibel requirement. He advised he would like to see a lot more information on whether or not this is the kind of limit that citizens ought to

expose their neighbors to. He stated a twenty (20) kilowatt generator that he is currently looking at for his house will at full operational capacity generate sixty-six (66) decibels; that is not a small generator it is almost an industrial quality generator and at full operating capacity is sixty-six (66) decibels and if somebody lived close to his home, he does not think his neighbors would want to be able to hear it. Supervisor Elswick advised if someone is going to put a small windmill near an interstate highway where the decibel level probably is around 60 that would probably be compatible, but in a rural area, the normal decibel level is twenty-five to thirty (25 to 30), and sixty (60) would be quite loud to anybody living near the installation. Supervisor Elswick asked to be provided with a little more information as to where the sixty (60) came from and what are our normal decibel levels in the areas of the County, where the possibility exists to locate these types of windmills. Additionally, he added he read somewhere that the helical versus the blade design may have some advantages in terms of noise and appearance. He advised he did not see any mention in the ordinance as to different requirements; if it were a helical design versus a blade design, there might very well be different requirements. Supervisor Elswick then commented he had spoken with Paul Mahoney earlier, regarding the fact years ago the Board outlined viewshed areas from the Blue Ridge Parkway. He stated he would like to see if one of these is going into view shed areas that a special use permit be required. Mr. Elswick then inquired if there were a factory or an industrial concern of some type would they be permitted to have more than one small windmill? Mr. Elswick concluded by advising he has recently been called pro and con on windmills. He further commented that he does not pay much attention to that, but he did ask that this ordinance be released from the large windmill ordinance because there were people asking the County to proceed and finalize and before anybody decides to call him pro or con, they need to know he is a proponent of doing the right thing in terms of generating energy and is also a proponent of protecting citizens rights to live comfortably.

Supervisor Flora stated he thought it would be helpful to have comparables on decibels at what levels do certain different activities produce, i.e. general conversation, a locomotive, a jet, a car going down the road so we can put into a perspective that we can all understand. Mr. Thompson responded by advising a copy of the data sheet that was prepared last year when looking at the noise ordinance would be provided to all Board members. Supervisor Flora stated he thinks the noise issue is probably going to be the biggest issue other than appearance, but he thinks the noise is something that everyone can relate to.

Supervisor Moore thanked Mr. Thompson and his department for of their hard work and research and stated she is aware they have a great deal of data on this subject. She then asked Mr. Thompson to explain the process of a special use permit, the application process and the cost for those listening who are not aware of the process. Mr. Thompson responded by stating an application is completed and submitted, typically the first Friday of the month, which is the County's deadline. Next, he added is a two month cycle for the proposed permit to go to public hearing and the

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Planning Commission. The total process takes approximately sixty to ninety (60-90) days and there is a \$40.00 application fee. Mr. Thompson explained the biggest costs are the legal advertisement costs; as there is a public advertisement one to two weeks prior to each of the public hearings for the Planning Commission and the Board of Supervisors. He stated the cost is approximately \$250 per hearing; approximately \$500 in advertising costs. He further detailed Roanoke County provides the signs, so there is no cost there. Finally, Mr. Thompson stated the applicant is required to submit a concept plan that can be done by the applicant, a drawing to scale that shows the relationship of where the things on the property would be. If an engineer were hired, the approximate cost would be \$200 to \$500 maximum to get a detailed site plan done for this purpose.

Supervisor Moore then asked Mr. Thompson, based on his research and data, what he thought the minimum height for sustainable wind energy should be in order to supply one of these units. Mr. Thompson responded there were several ways staff approached this issue. First, the Planning Commission was asked if they wanted a graduated system of height increases based on lot size and they decided yes. Next, he advised staff looked at what is currently in the ordinance that would be similar structures, i.e., an amateur radio tower is allowed by right up to one hundred (100) feet, in the agricultural district. Staff then paired it down to eighty (80) feet and then sixty (60) feet. Mr. Thompson explained normally it is twenty (20) to thirty (30) feet above a structure height to get unobstructed wind flow across a piece of property. In the County, the height limitation is forty-five (45) feet for a house, twenty to thirty (20 to 30) feet above that is sixty-five to seventy-five (65-75) feet. Mr. Thompson stated he felt at the low end, the Planning Commission was being conservative to allow for small lots and have some type of review process. Additionally, he added if looking at an eighty (80) foot, which is really going to be twenty to thirty (20 to 30) feet above a forty-five (45) foot high structure, which allows for no obstruction of wind flow across the property. Supervisor Moore then stated she also agreed that the County should protect its viewsheds and protect all of our citizens, but also is very cautious and wants to make sure that our citizens are protected yet provide alternative energy and not be so restrictive citizens will not come to the Board and ask. Supervisor Moore stated her final question was whether there are any incentives for anyone who wants to do alternative energy? Mr. Thompson responded there is a federal tax credit of up to thirty percent (30%) of the total cost of installation and another one that deals with Virginia Department of Mines, Minerals and Energy that has a rebate program of up to \$1,500 per kilowatt that is generated. The maximum that you could get under this program being ten (10) kilowatts would be \$15,000.

Supervisor Flora stated structure is not the only thing that obstructs the wind; the tree canopy obstructs the wind and a typical tree canopy might be at sixty feet. Additionally, he asked that the blade diameter be looked at in relation to height. If there is not a limit in the size of the blades, staff may want to consider that as well because you can put up a hundred feet if you are in the middle of an open field, you can get

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some good size blades going, however, this will change dynamics and sound. He stated he thinks these things need to be taken into consideration. Supervisor Flora reiterated he is a proponent of alternative energy sources, but is also like everyone else more of proponent of protecting people's property rights, not just the person that wants the windmill but the people who live around it.

Mr. Thompson then advised in regard to the question regarding the viewsheds, it is his understanding Janet Schied and Gary Johnson went along the parkway and did a windshield assessment analysis of these critical viewsheds that were mapped. The focus was on the foreground, what is closest to the Parkway, versus the background because obviously there are certain overlooks on the Parkway, for example you can see Read Mountain. The entire Parkway is included in that mapping. We can go back and look at the maps and have them available for the public hearing or anyone to look at, but it is not a true viewshed analysis.

Supervisor Altizer remarked that he would like to see if somehow in reviewing all of this information is there a way other than a special use process that you have the flexibility to take a look at a site, i.e. if the sixty (60) feet is adopted and someone comes in and applies and they have five acres of land, and in order to be a functioning windmill, it needs to be eight to eighty-five (80 to 85) feet. The closest house is a one half a mile. The property line should not have any problem with setbacks. Is there a way to incorporate taking things of this nature into consideration? Supervisor Altizer remarked when ordinances are done, staff tries to do the best it can, but there are always certain and specific things and based on a cost factor as well whether you are going to make it so strict that people just will not do it or find another way to accommodate. If a citizen has to spend \$500 to \$700 to do a special use permit, someone might have the ideal piece of land to put one at seventy to eighty-five (70 or 85) feet, but not knowing what the Board would do, or neighbors would react; that is a lot of money to put out. Additionally, he stated he does not want to get to the point of giving ad hoc approval to place anywhere or at any height, but he stated he also does not want us to be in a position to strangle the use of these in areas where they would fit and work very well and not a detriment of other people around them. Mr. Thompson replied there is a process in the current ordinance, but he does not recommend it, i.e. a manufactured home on existing property. The procedure is to notify the surrounding proper owners and if there are no objections, the permit can be issued. If there are objections, then the owner will have to go through the special use permit process. He stated the problem that he sees is where do you draw the line of who is neighboring properties. Additionally, he stated with regard to viewsheds it may not be an adjacent property, which is why we advertise it so anybody to come and speak at the public hearing, not just the neighbors. Supervisor Altizer then requested staff take a look at staggered heights depending on size of property. Mr. Thompson responded by stating you could put in certain performance standards and if those are met there would be no need for a special use permit.

Mr. Church thanked Lindsay Blankenship for all her work on this project



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and reminded everyone this is a first reading and the second reading will be held on February 22, 2011. Chairman Church moved to approve the first reading and established the second reading and public hearing for February 22, 2011. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**IN RE: CONSENT AGENDA**

BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

That the certain section of the agenda of the Board of Supervisors for February 8, 2011, designated as Item Consent Agenda be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 7 inclusive, as follows:

1. Approval of minutes – January 25, 2011
2. Request to accept and appropriate funds in the amount of \$15,500 of contributions from Cave Spring Volunteer Fire Company and Mount Pleasant Volunteer Fire Company to share in funding generators for two new apparatus being purchased through our truck loan agreement
3. Request to accept and appropriate funds in the amount of \$9,645 for a Virginia Office of Emergency Medical Services matching grant for the purchase of extrication equipment
4. Request to accept and appropriate funds in the amount of \$55,416.61 to the Roanoke County Public Schools
5. Request to accept and appropriate funds in the amount of \$7,500 to the Library
6. Request to accept and appropriate funds in the amount of \$28,634 under the fiscal year 2010 State Homeland Security Program Grant No: 11-A2313HS10
7. Donation of a variable width storm drainage easement on the property of Benjamin E. Johnson at the Intersection of Castle Rock Road and Farmington Drive (Tax Map Nos. 076.15-02-02.00), Windsor Hills Magisterial District

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

**IN RE: CITIZENS' COMMENTS AND COMMUNICATIONS**

Mr. Eldon Carr of 8011 Poor Mountain Road, Bent Mountain, Virginia advised he is not opposed to smaller scale wind generation systems, either, in fact over the past 35 years he has performed wind site assessments and sized wind generation equipment for residential applications. However, Mr. Carr stated as residents on Bent Mountain and Roanoke County continue to benefit both economically and esthetically from the presence of the Blue Ridge Parkway and Appalachian Trails through our county, he stated he feels Roanoke County should not ignore the continuing pleas of its citizens to protect our view sheds. Mr. Carr stated Roanoke County has already developed a view shed assessment with particular emphasis on the Blue Ridge Parkway. He notes as the Bent Mountain Community pursues its relationship with the Parkway as a "service" community, he feels Roanoke County needs to be sensitive to the viewsheds that are integral with the Parkway. Mr. Carr advised Bent Mountain residents are currently pursuing an economic development opportunity with the Bent Mountain School Building as a focal point around which could be cultivated a commercially-viable service economy with Bed & Breakfast Inns, coffee shop, restaurant, craft shop, produce markets. He further detailed walking trails, horseback trails, bicycling routes all demand sensitivity to a scenic environment to flourish. Mr. Carr stated he thinks this could be most easily handled by requiring a "Special Use Permit" for any wind turbine with one half mile of the Blue Ridge Parkway, otherwise, the amendment should be returned to the Planning Commission, to allow them to address their expressed viewshed concerns in a way that satisfies the concern, such as designated viewshed areas by "Special Use Permit." He further added as it stands, wind turbines up to sixty (60) ft tall shall be permitted "by right". At a one hundred and ten percent (110%) setback, that equals sixty-six (66) feet from parkway boundaries; regardless of any view shed impact. Mr. Carr commented that the first reading of the small wind turbine ordinance is being held today at the Board of Supervisors meeting at 3:00 pm in its hurried route to passage.

**IN RE:       REPORTS**

Supervisor Flora moved to receive and file the following reports. The motion carried by the following recorded vote:

AYES:       Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS:       None

- 1. General Fund Unappropriated Balance**
- 2. Capital Reserves**
- 3. Reserve for Board Contingency**

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**IN RE:       CLOSED MEETING**

At 4:24 p.m., Chairman Church moved to go into closed meeting following the work sessions pursuant to the Code of Virginia Section 2.2-3711 A Section 2.2.3711.A.1. Personnel, namely discussion concerning appointments to the Economic Development Authority and the Roanoke Regional Airport Commission. The motion carried by the following recorded vote:

AYES:       Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS:       None

At 4:25 p.m., Chairman Church recessed to the 4<sup>th</sup> floor for work session and closed meetings.

**IN RE:       WORK SESSIONS**

- 1. Work session to discuss fiscal year 2011-2012 budget development (Brent Robertson, Director of Management and Budget; Diane D. Hyatt, Assistant County Administrator; Rebecca Owens, Director of Finance)**
  - a. Mid-year expenditures at 12/31/10 (operating departments)**
  - b. Updated revenue projections for fiscal year 2011**
  - c. Preliminary review of fiscal year 2011-2012**
  - d. Virginia Retirement System (VRS) update**
  - e. Health insurance reserves**

In attendance for this work session were Brent Robertson, Director of Management and Budget; Diane D. Hyatt, Assistant County Administrator; Rebecca Owens, Director of Finance; B. Clayton Goodman, County Administrator.

Mr. Robertson started off the session by reviewing the mid-year expenditures as of December 31, 2010 and remarked that these expenditures at this point were about one percent (1%) less than last year, however, due to seasonal expenditures, numbers could change. Mr. Robertson reiterated that all restrictions were still in place, i.e. frozen position, job bank. Mr. Goodman remarked that there will probably not be any expenditure savings this year because of a reduction of the base. Additionally, he stated there is some concern over fuel costs. Next, Mr. Robertson

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reviewed the preliminary projections for fiscal year 2011-2012. Additionally, Mr. Robertson provided a graph to the Board of year over year revenue growth with and without the real estate component.

Ms. Hyatt then gave an update to the Board on the Virginia Retirement System and the status of the proposed changes in the General Assembly as of February 8, 2011 and the various language amendments. Mr. Altizer remarked that this item may want to be included in the County's legislative agenda next year.

Ms. Owens provided the Board with a review of health insurance reserves, noting that on a going forward basis this reserve will be watched very closely to see what impact the wellness clinic has on claims.

Mr. Goodman advised that currently meetings were being held with the functional teams, i.e. public safety; police, etc. to discuss looking at collaboration and ways of doing things differently. Mr. Goodman reiterated all of the elasticity is gone from these budgets and will keep the Board updated as staff moves forward.

The work session was held from 4:40 p.m. until 5:31 p.m.

**IN RE: CLOSED SESSION**

At 7:00 p.m., Chairman Church moved to return to open session and announced the Closed Session relating to Section 2.2.3711.A.1. Personnel, namely discussion concerning appointments to the Economic Development Authority was not held and the Closed Session relating to Section 2.2.3711.A.1. Personnel, namely discussion concerning appointments to the Roanoke Regional Airport Commission would be held immediately following the evening session.

The closed session was held from 7:50 p.m. until 8:50 p.m.

**IN RE: PUBLIC HEARINGS AND SECOND READINGS OF ORDINANCES**

- 1. The petition of Jatin Patel to obtain a Special Use Permit in a C-2, General Commercial, District for the purpose of operating a convenience store and fast food restaurant on 0.844 acre, located in the 8000 block of Plantation Road, Hollins Magisterial District**

Philip Thompson, Deputy Director of Planning reviewed the request for the special use permit as outlined in the staff report. He advised the Planning Commission held a public hearing on January 4, 2011, and recommended approval four to zero (4 to 0) with ten (10) conditions.

Also in attendance representing Jatin Patel was Sean Horne with Balzer and Associates who reviewed the design plans with the Board. Mr. Horne advised Balzer attempted to match building styles with the Hollins area. He stated they were in agreement with all of the conditions, except item five (5) concerning signage placed on the canopy shall occupy no more than five (5) percent of the canopy façade area. Mr.

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Horne indicated instead of five percent (5%) would like to proffer substantial conformance with Exhibit D with regard to the CITGO corporate logo. The end of the canopy that is seen from the street is only twenty-four (24) feet wide and the current condition would only give them 84 square feet of total surface area. He stated they would be unable to get the triangular logo on that side of the canopy at five percent (5%). Accordingly, what he is asking for is consideration be given to having the main CITGO and the emblem on the short side of the canopy facing the street; that is about 24% of that canopy, but the canopy is very small, only 84 square feet.

Chairman Church opened the public hearing and one citizen commented.

Mr. Carl Slate of 7538 Friendship Lane in Roanoke Virginia stated he was speaking regarding the concerns on the water runoff and drainage. He stated it is his understanding that the developer wants drainage to go into the creek on the back side of the property. Mr. Slate provided pictures to the Board members and asked if the runoff from the fuel pumps go into the creek as well? He stated his concern is for livestock on properties down the road. Mr. Slate then asked if there will there be anything to catch this runoff. Additionally, Mr. Slate remarked on the entrance to the property, it is his understanding there would be a greenway proposal on that side of the road; but does not know if that is still true and if so, what effect will that have on this development. Mr. Slate reiterated there were a lot of problems with drainage in this area and has spoken with Mr. Workman on numerous occasions.

Chairman Church noted there were no additional speakers and closed the public hearing.

Mr. Horne explained the stormwater management issue by stating his client owns two pieces of property and along the property line there is a creek between the two properties. These properties were originally designed and approved for a hotel site and the hotel industry. In this case, only the front piece of the property beside Plantation Road is being developed and the stormwater management will discharge into this creek, however, there will be underground stormwater management provided for this site. He further explained everything running off the building and pavement will go into a detention system which will then release at a lower rate than it currently does at the site. As far as the fuel concerns, he noted the developer would also have to meet stormwater quality requirements and are designing the site with two units which are filter units which are basically sand filters that the runoff from the site goes through the sand filters, cleans the water and then goes into the detention system and discharges through the creek. As far as the Greenway question, he stated that he is not familiar with any of that issue.

Supervisor Flora remarked as a part of the Plantation Road design, there is a proposal for sidewalks, but it is his understanding these sidewalks are on the other side of Plantation Road and end somewhere in the area of the hotels.

Mr. Thompson advised that in any case, they would be within the existing Virginia Department of Highway right-of-way, so Mr. Flora's understanding is correct. Supervisor Flora responded it is also his understanding that the underground tanks

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versus stormwater detention ponds under the site will catch the stormwater and release at a rate less than is what is currently coming off the site. Additionally, he added the site is going to be developed and when he found out the developer was doing underground detention, which is expensive and is one of the best systems that you can put in. It actually guarantees that the water is going to stay where it is supposed to stay until it is discharged. As far as the sign is concerned, Supervisor Flora stated that there were two other sites, a Texaco Station and an Exxon Station right across the road, which has the same signage on it. He stated he did not have a problem with them having a larger sign, which is consistent with what is out there now. He also stated that he understands about corporate logos, and does not object to the standard CITGO signage on that canopy. Supervisor Flora asked what the reason was for the reduced signage on the canopy. Mr. Thompson responded within the Hollins/Williamson Road design guidelines there is a statement that talks about the percentage of canopy signage and that is where the requirement is coming from; when staff looks to make recommendations they look to those standards when dealing with special use permits. Supervisor Flora stated he can see where this started, but based on the fact this property is right on the interstate he does not have a problem with it unless the remainder of the Board does.

Supervisor Moore inquired as to the size of the letters on the canopy sign with Mr. Horne responding the letters are twenty-one (21) inches tall and the logo is three and one half ( 3 ½) feet tall.

Chairman Church inquired if Mr. Horne had stated the canopy was twenty four (24) feet wide on the traffic side on the Plantation Road side, which is where you want to put the logo on. Mr. Horne clarified on the Hollins Road requirements it does mention no more than five percent (5%) of the signage on the building. He stated the developer is okay with that condition on the building and the signage was reduced for the monument signs; the only issue is with signage on that part of the building.

Chairman Church then asked Mr. Horne to explain the underground detention tanks an additional time. Mr. Horne explained Roanoke County stormwater management regulations must be met regardless of whether it is done above ground or underground. The difference in this case is with the underground system. There is no chance of overtopping; there is no emergency spillway as in traditional emergency spillwater all the runoff has to go through the system. Once the site is developed, the detention requirements are if you have a parking lot and a building, it is going to increase the amount of runoff coming off of that site as opposed to a grass site. So what you have to do is take a ten-year storm, reduce it down to a two-year storm on a predevelopment site. So, whatever is coming off the predevelopment site as grass, you have to take your ten-year storm once it is paved and reduce it back to that amount when it was grass, which is what is called over detention.

**ORDINANCE 020811-3 GRANTING A SPECIAL USE PERMIT  
FOR THE PURPOSE OF OPERATING A CONVENIENCE STORE**

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**AND FAST FOOD RESTAURANT ON A 0.844 ACRE PARCEL  
LOCATED IN THE 8000 BLOCK OF PLANTATION ROAD (TAX  
MAP NO. 18.18-2-3) HOLLINS MAGISTERIAL DISTRICT, UPON  
THE PETITION OF JATIN PATEL**

WHEREAS, Jatin Patel has filed a petition for a special use permit for the purpose of operating a convenience store and fast food restaurant to be located in the 8000 block of Plantation Road (Tax Map No. 18.18-2-3) in the Hollins Magisterial District; and

WHEREAS, the Planning Commission held a public hearing on this matter on January 4, 2011; and

WHEREAS, the Board of Supervisors of Roanoke County, Virginia, held a first reading on this matter on December 14, 2010; the second reading and public hearing on this matter was held on February 8, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the Board finds that the granting of a special use permit to Jatin Patel for the purpose of operating a convenience store and fast food restaurant on a 0.844 acre parcel located in the 8000 block of Plantation Road in the Hollins Magisterial District is substantially in accord with the adopted 2005 Community Plan, as amended, pursuant to the provisions of Section 15.2-2232 of the 1950 Code of Virginia, as amended, and that it shall have a minimum adverse impact on the surrounding neighborhood or community, and said special use permit is hereby approved with the following conditions:

- 1) The development of the property shall be in substantial conformance with the concept plan titled, "Hollins CITGO Mart," prepared by Balzer and Associates, Inc. (Exhibit A) revised December 22, 2010, with the location of the entrance on Plantation Road subject to VDOT approval.
- 2) The building shall be constructed in substantial conformance with the building elevations titled, "Exhibit B – Building Elevations," prepared by Balzer and Associates, Inc. dated December 22, 2010.
- 3) The color of the brick veneer on the exterior of the convenience store building shall be consistent with the existing buildings at Hollins University as shown in Exhibit C, dated December 22, 2010.
- 4) The dumpster enclosure shall be brick construction to match the building façade.
- 5) Signage on the building façade shall occupy no more than five (5) percent of the building façade area. Signage placed on the canopy shall occupy no more than twenty-four (24) percent of the canopy façade area as shown in Exhibit D, dated December 22, 2010.
- 6) The canopy shall not exceed twenty (20) feet in height.

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- 7) Lighting in the canopy shall be recessed and directed downward and inward into the site.
  - 8) Light poles and fixtures shall be black, gray, or grayish-brown. Light fixtures shall be directed downward and inward into the site and the top of any light fixture shall be less than 20 feet in height.
  - 9) One freestanding monument sign shall be provided for this development. The appearance of the sign shall be in substantial conformity to the rendering titled, "Exhibit G – Monument Signage," prepared by Balzer and Associates, Inc. dated December 22, 2010, and the size shall be limited to 15'H x 10'W.
  - 10) The fast-food restaurant shall be located within the convenience store building and shall be no larger than fifteen hundred (1,500) square feet in area.

2. That this ordinance shall be in full force and effect thirty (30) days after its final passage. All ordinances or parts of ordinances in conflict with the provisions of this ordinance be, and the same hereby are, repealed. The Zoning Administrator is directed to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

On motion of Supervisor Flora to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church  
NAYS: None

- 2. The petition of Fountain Head Land Company, LLC, to amend the Planned Residential Development Master Plan to decrease the maximum number of cottages, to decrease the maximum number of bedrooms in the clubhouse, to increase the maximum number of residential lots to 110, and to reduce the minimum lot size and road frontage for residential lots south of Pitzer Road, and to amend a proffered condition dealing with an at-grade golf cart crossing on Pitzer Road for Fountain Head Golf Resort (Ballyhack) which measures approximately 375 acres, Vinton Magisterial District**

Mr. Philip Thompson, Deputy Director of Planning reviewed the request for the changes in the Planned Residential Development Master Plan. He advised the Planning Commission held a public hearing on January 4, 2011 and recommended approval five to zero (5 to 0) with three proffered conditions.

Chairman Church remarked it was mentioned that a special use permit would be needed for a tournament and asked for more specifics. Mr. Thompson stated it was his understanding if there was a large outdoor gathering that gathering would



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require a special use permit, i.e. certain events held at the golf course that would increase traffic, which the Planning Commission raised as part of their discussions. Chairman Church stated the only reason he is asking is there are golf courses all around the Valley where there can be five hundred to one thousand (500 to 1,000) people on a routine basis. Mr. Thompson responded it is his understanding they were looking at events not necessarily with a local golf course, but if a professional tournament is brought there. Supervisor Church asked if Mr. Thompson was speaking of something that would be held as an event in that area from outside, with Mr. Thompson responding in the affirmative. Mr. Church advised that he wanted clarification because the Board could be having special use permit requests constantly.

Supervisor Flora then asked if a PGA tournament was to be held there would a special use permit be required as part of the current ordinance. Mr. Thompson responded in the affirmative and would obtain clarification from the zoning administrator. Supervisor Flora then stated he is wondering what the difference between a PGA Tournament and a locally promoted tournament is in terms of the number of people and the need for a special use permits. Mr. Thompson advised language of that nature could be written in under the land use category.

Chairman Church advised his concern was prohibiting in a way any local golf course from creating revenue that is going to directly or indirectly benefit citizens of Roanoke County and needs to be looked at tonight. Mr. Thompson advised it could be made by zoning ordinance amendment. Supervisor Church stated to his knowledge, this has not been done on the other courses in the Roanoke County area and there are at least two or three.

Mr. Paul Mahoney, County attorney advised there is an old provision in the County Code that Mr. Thompson is referring to and it deals with outdoor gatherings, and based on the date of this ordinance having been adopted he thinks it was adopted shortly after Woodstock occurred in upstate New York. He indicated there is a certain trigger number and the Board at that time wanted to be able to place certain public health and safety conditions in terms of having medical facilities, etc. He remarked that he thinks the concern that staff had with respect to this is the need for adequate parking, medical facilities and equipment and safety measures to handle an event such as a PGA Tournament.

Chairman Church responded after further review, the Board may reconsider because a PGA event with thousands would bring crowds that require equipment and he believes this Board would not have much of a question to issuing an agreement on that. It was Chairman Church's suggestion to leave the item alone and to the consensus of the Board.

Also in attendance was Sean Horne with Balzer and Associates and Mr. Jonathan Ireland, Manager of Ballyhack and a member of Fountainhead to answer any questions regarding this request.

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Supervisor Moore questioned in the revised Planned Residential Development 112910, were the rumble strips supposed to be installed at that time also with Mr. Thompson responding they are to be installed by March 1, 2011.

Supervisor Altizer clarified those rumble strips are actually on the golf course cart path and not on the road and the Virginia Department of Transportation (VDOT) will not allow those rumble strips. Mr. Thompson replied these strips are right before you get to the roadway, so he believes they are outside the right-of-way, but they are on the cart path as a warning to the golfers when they cross the road.

Chairman Church opened and closed the public hearing. There were no citizens to speak.

Supervisor Altizer stated it was his understanding the new crossing will be installed by March 1, 2011, with Mr. Horn responding affirmatively. Supervisor Altizer then asked if the triggers stated in the proffer in no way take away that the underground crossing must still be built at some point in time with Mr. Horne responding when the milestones are met, the underground crossing will need to be built.

Supervisor Elswick asked if the developer has VDOT approval for the underground crossing with Mr. Horne responding negatively. Supervisor Elswick then inquired about the water and sewer lines. Mr. Horne explained preliminary plans have been made and discussed with VDOT and they have reviewed these plans and all underground utilities are being done for the underground crossing have been located out of the way, so that when it gets dug out, there is no need for relocation in the future.

Supervisor Moore asked what is the proposed amount for putting in the underground tunnel; is there an approximation. Additionally, she asked concerning the price of the lots, if reduced, what would the price difference be compared to what they are now. Mr. Horne responded that a quote was done for the tunnel three years ago and he did not recall what it was. With regard to the lots, Mr. Horne stated essentially what they are looking for is to hit a little bit different target of an area; not a traditional clustered development with the intent to make this look like the cottages that are already constructed out at Ballyhack so the Ballyhack theme is incorporated throughout the development. The primary area there adjacent to Saul Lane where we are proposing the cottage or cluster development is where cottages were originally proposed so it is going to fit in quite nicely. As far as the price is concerned, he deferred to Mr. Ireland. Mr. Ireland responded they do not have specific pricing set for the home sites yet, and are trying to offer a more viable product, still maintaining the upscale nature of the development. Mr. Ireland noted they are trying to react to what the market is doing and give homebuyers something that fits a little bit more so than the large acre and one half custom home sites which are currently under way. Supervisor Moore asked if these be cluster homes; patio homes that are joined together or individual homes with Mr. Ireland responding individual residences with the 0.7 acres, which is still a nice size lot home site. He clarified they are envisioning something in the 2500 to 3500 square foot with a similar design and style feature on each of them on the exterior, but they will be stand alone residences.

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Supervisor Altizer stated if the intent was to have a more affordable lot and home conversely to the one and one half (1 ½) to two (2) acres, maybe \$300,000 to \$900,000 with Mr. Ireland responding it is an attempt to react to the market with the priority of maintaining the nature and the intent of the project being an upscale development and community. He noted Supervisor Altizer is exactly right in stating it is something that will provide a different price point for people that want to live in the area and want to be a part of the community, but it is something different than a \$220,000 lot, plus the cost of a good size home to go on that. Supervisor Altizer then stated he is of the opinion it is a wise decision to change the floor plan and thinks it is more of a benefit to the community. He stated he thinks there will be more empty nesters that will be buying into those types of homes, it will put more kids in the elementary schools and it will cut down on traffic. He commended the developer for continuing to let everyone know what their intention is. He further commented he feels there is a better trigger to do that which coincides he believe with the turnaround with the economy and also reaching the point of what the citizens originally in that area wants. The citizens have embraced the golf course and certainly their concerns about the underground tunnel, safety concerns, not that they are trying to make anything harder than it should be and he commended the citizens out there for embracing the golf course and everything that has gone on and for the golf course embracing the community. Supervisor Altizer then requested that Mr. Horne clarify so everyone is in agreement with the proffers that the targets are the cart counts and the lots sold and wanted to clarify that seventy-five (75) lots, that does not mean that seventy five (75) houses built, it means that 75 lots have been sold irrespective of whether or not there is a house built on it. Mr. Horne responded affirmatively.

**ORDINANCE 020811-4 APPROVING THE PETITION OF FOUNTAIN HEAD LAND COMPANY, LLC, TO AMEND THE PLANNED RESIDENTIAL DEVELOPMENT MASTER PLAN TO DECREASE THE MAXIMUM NUMBER OF COTTAGES, TO DECREASE THE MAXIMUM NUMBER OF BEDROOMS IN THE CLUBHOUSE, TO INCREASE THE MAXIMUM NUMBER OF RESIDENTIAL LOTS TO 110, AND TO REDUCE THE MINIMUM LOT SIZE AND ROAD FRONTAGE FOR RESIDENTIAL LOTS SOUTH OF PITZER ROAD, AND TO AMEND A PROFFERED CONDITION DEALING WITH AN AT-GRADE GOLF CART CROSSING ON PITZER ROAD FOR FOUNTAIN HEAD GOLF RESORT (BALLYHACK) WHICH MEASURES APPROXIMATELY 375 ACRES, VINTON MAGISTERIAL DISTRICT**

WHEREAS, the first reading of this ordinance was held on December 14, 2010, and the second reading and public hearing were held February 8, 2011; and,

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WHEREAS, the Roanoke County Planning Commission held a public hearing on this matter on January 4, 2011; and

WHEREAS, legal notice and advertisement has been provided as required by law.

BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the proffered conditions imposed by the Board of Supervisors on a Planned Residential Development (PRD) known as the Fountain Head Golf Resort containing approximately 375 +/- acres and located on Pitzer Road (Tax Map Numbers 079.04-02-10.00-0000, 079.04-02-10.03-0000, 079.04-05-01.00-0000, 079.04-05-02.00-0000, 079.04-05-03.00-0000, 079.04-05-04.00-0000, 079.04-05-05.00-0000, 079.04-05-06.00-0000, 079.04-05-07.00-0000, 079.04-05-08.00-0000, 079.04-05-11.00-0000, 079.04-05-13.00-0000, 079.04-05-14.00-0000, 079.04-05-15.00-0000, 079.04-05-16.00-0000, 079.04-05-17.00-0000, 080.00-02-68.00-0000, 080.03-02-02.00-0000, 080.03-02-03.00-0000, 080.03-02-04.00-0000, 080.03-02-05.00-0000, 080.03-02-06.00-0000, 080.03-02-07.00-0000, 080.03-02-09.00-0000, 080.03-02-12.00-0000, 080.03-02-13.00-0000, 080.03-02-15.00-0000, 080.03-02-16.00-0000, 080.03-02-17.00-0000, 080.03-02-18.00-0000, 080.03-02-19.00-0000, 080.03-02-20.00-0000, 080.03-02-21.00-0000, 080.03-02-22.00-0000, 080.03-02-23.00-0000, 080.03-02-25.00-0000, 080.03-02-26.00-0000, 080.03-02-27.00-0000, 080.03-02-28.00-0000) in the Vinton Magisterial District, are hereby amended as follows:

1) The developer hereby proffers substantial compliance with the PRD rezoning document titled "Fountain Head Golf Resort, A Planned Residential Community," prepared by Balzer and Associates, Inc. dated 8-17-05, and last revised 11-29-10.

2) The developer hereby proffers substantial compliance with the golf cart crossing sketch shown as Exhibit 'A' attached to this rezoning document, prepared by Balzer and Associates, Inc. dated 8-14-09 and last revised 1-31-11. All golf cart crossing improvements shown on Exhibit 'A' shall be installed by the developer by March 1, 2011.

3) The developer shall install a golf cart crossing tunnel under Pitzer Road, subject to VDOT approval, within 18 months after one of the following conditions has been met:

a) 75 residential lots have been sold; or

b) VDOT's average annual daily trip counts have reached 3,250 vehicle trips per day as counted at the location of the at-grade golf cart crossing.

2. That this action is taken upon the application of Fountain Head Land Company, LLC.

3. That this ordinance shall be in full force and effect thirty (30) days after its final passage. All ordinances or parts of ordinances in conflict with the provisions of this ordinance be, and the same hereby are, repealed. The Zoning Administrator is directed

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to amend the zoning district map to reflect the change in zoning classification authorized by this ordinance.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

Chairman Church commented with his vote that he wanted to compliment the developer for recognizing things have changed in the last year or two, compromised and reacted appropriately and have done some things that make this Board feel better about our decision. Chairman Church wished the developer good luck and stated he hoped they have tremendous growth which benefits everyone.

Supervisor Altizer then requested that Mr. Ireland speak with Mr. Draper who is a good friend of his and is sitting at the back of the room immediately following the Board meeting. Supervisor Altizer stated there were a couple of things that he thought Mr. Ireland should be made aware of; not primarily concerning with the crossing but other items that should be brought to his attention.

**IN RE: REPORTS AND INQUIRIES OF BOARD MEMBERS**

Supervisor Elswick stated that he was glad Roanoke County is proceeding with the small wind ordinance and are looking at other areas of alternative energy. "In the final analysis, without building nuclear plants, we are not going to be able to sustain the level of consumption that we have today, and it is our fault. This room is a good example; we don't need all these lights, along the interstates, burning downtown that I look at every night and if we don't decide to stop consuming so much electricity, we will not have any other options other than to go to some type of nuclear type generation of electricity because one of the days we all know we are going to run out of coal and water unless we reduce our consumption and I think we have an obligation to think of future generations and how they are going to live and whether or not they are going to be able to enjoy the same kind of luxuries that we enjoy today. I think that it is a good thing that we are at least thinking about it and we are trying to move the right direction."

Supervisor Moore again congratulated the Hidden Valley Titans for winning the AA Cross Country Championship.

Supervisor Flora advised when the discussion occurred regarding the special use permit for outdoor events, it rang a bell and he believes it happened between 1971 and 1975 and it was a reaction to a request by a gentleman on Bent Mountain to hold outdoor concerts. Mr. Mahoney responded to Mr. Flora by stating he would check the minutes.

Supervisor Church thanked and congratulated Walmart and all of its people and associates noting Supervisors Altizer and Moore were with him at the

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opening. He stated everyone is looking forward to Walmart setting some sales records to generate more revenue for Roanoke County. Chairman Church then extended a special invitation to attend the first Glenvar Library meeting on February 16, 2011 which will be held on February 16, 2011. He noted Dan O'Donnell, Diana Rosapepe and the architectural firm will also be in attendance.

At 7:45 p.m., Chairman Church recessed to the 4<sup>th</sup> floor for closed meeting.

**IN RE: CERTIFICATION RESOLUTION**

At 8:50 p.m., Chairman Church moved to return to open session and adopt the certification resolution.

**RESOLUTION 020811-5 CERTIFYING THE CLOSED MEETING  
WAS HELD IN CONFORMITY WITH THE CODE OF VIRGINIA**

WHEREAS, the Board of Supervisors of Roanoke County, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of Supervisors of Roanoke County, Virginia, that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Roanoke County, Virginia, hereby certifies that, to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting which this certification resolution applies; and

2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Roanoke County, Virginia.

On motion of Supervisor Church to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

February 8, 2011

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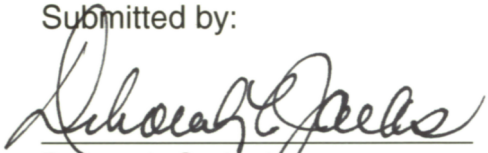
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IN RE:      **ADJOURNMENT**

Chairman Church adjourned the meeting at 8:51 p.m.

Submitted by:



Deborah C. Jacks  
Clerk to the Board

Approved by:



Joseph B. "Butch" Church  
Chairman



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